UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE NAMENDA DIRECT PURCHASER ANTITRUST LITIGATION	:	Case No. 1:15-cv-07488-CM-RWL
THIS DOCUMENT RELATES TO:	:	
All Direct Purchaser Actions	:	

STIPULATION REGARDING DR. REDDY'S LABORATORIES INC. AND AMNEAL PHARMACEUTICALS, INC.

The following facts are stipulated by and between the undersigned parties through their respective counsel and can be presented to the jury as set forth below:

DR. REDDY'S LABORATORIES

Jinping McCormick, Vice President of Sales and Marketing for Retail Products, testified on behalf of Dr. Reddy's Laboratories ("DRL"):

1. DRL manufactures generic drugs.

2. DRL's revenues exceed $2 billion a year.

3. DRL searches the market for successful brand name drugs and attempts to manufacture generic versions.

4. DRL targets pharmaceutical drugs because of their brand sales, the technical aspect, including limited competition or the commercial or IP aspects, and DRL's own manufacturing capabilities.

5. On October 16, 2007, DRL filed an ANDA for generic Namenda.

6. In the Namenda patent litigation, DRL settled with Forest on November 13, 2009 in exchange for litigation costs and entry three months before the patent expired or earlier in the event any other generic manufacturer launched earlier.

7. DRL received final FDA approval on April 14, 2010.

8. Without the settlement between Forest and DRL, DRL's ANDA would not have been eligible for final approval at that time.

9. DRL launched generic Namenda on July 11, 2015, the first day it was eligible to do so pursuant to its agreement with Forest.

10. If DRL would have had the opportunity to enter the market earlier, it would have wanted to do that.

11. DRL would have prioritized meeting targeted launch dates.

12. DRL was not aware of any impediments to launching during the period 2013-2015.

13. DRL does not always meet its targeted launch dates and DRL agrees that there is no way to know whether DRL will hit a targeted launch date.

14. Generic Namenda was not a problem product for DRL to manufacture and supply.

15. The number one concern for most buyers is whether the manufacturer can supply the product.

AMNEAL PHARMACEUTICALS

Kapil Gupta, senior manager of business development and portfolio, management testified on behalf of Amneal Pharmaceuticals ("Amneal"):

1. Amneal manufactures generic drugs.

2. Amneal identifies potential products based on annual sales of the brand name product, the formulation, and the intellectual property scenario.

3. Amneal identified Namenda because it had over $1 billion in sales and there was less complexity in manufacturing the product.

4. On October 16, 2007, Amneal filed an ANDA for generic Namenda.

5. In the Namenda patent litigation, Amneal settled with Forest on September 01, 2009 in exchange for litigation costs and entry three months before the patent expired or earlier in the event any other generic manufacturer launched earlier.

6. As of September 1, 2009, Amneal was aware that it would not be launching generic Namenda until 2015.

7. If Amneal had continued to litigate, its litigation costs would have increased.

8. FDA granted tentative approval to Amneal's ANDA for generic Namenda on January 8, 2010.

9. Nothing would have prevented Amneal from requesting final approval from FDA in 2013 or 2014.

10. Amneal had no plans to launch generic Namenda before 2015.

11. Amneal received final FDA approval on April 10, 2015.

12. Amneal launched generic Namenda on July 11, 2015, the first day it was eligible to do so pursuant to its agreement with Forest.

13. Amneal generally wants to start selling generic drugs as soon as possible.

14. Amneal was not aware of anything that would have prevented Amneal from manufacturing generic Namenda in 2013 or 2014.

SO ORDERED:

Dated:_____ _____

Hon. Colleen McMahon

Respectfully submitted,

/s/ Beth A. Wilkinson
Beth A. Wilkinson
Rakesh N. Kilaru
Kieran G. Gostin
WILKINSON WALSH + ESKOVITZ LLP
2001 M Street NW, 10th Floor
Washington, DC 20036
Telephone: (202) 847-4000

/s/ Bruce E. Gerstein
Bruce E. Gerstein
Joseph Opper
Kimberly M. Hennings
Dan Litvin
GARWIN GERSTEIN & FISHER LLP
88 Pine Street, 10th Floor
New York, NY 10005
Tel: (212) 398-0055
Fax: (212) 764-6620
bgerstein@garwingerstein.com
jopper@garwingerstein.com
khennings@garwingerstein.com
dlitvin@garwingerstein.com

Chanakya A. Sethi
WILKINSON WALSH + ESKOVITZ LLP
130 West 42nd Street, Suite 1402
New York, NY 10036
Telephone: (929) 264-7765

Stuart E. Des Roches
Andrew W. Kelly
Odom & Des Roches, LLC
650 Poydras Street, Suite 2020
New Orleans, LA 70130
Tel: (504) 522-0077
Fax: (504) 522-0078
stuart@odrlaw.corn
akelly@odrlaw.com

Martin M. Toto
Kristen O'Shaughnessy
WHITE & CASE LLP
1221 Avenue of the Americas
New York, New York 10020
Telephone: (212) 819-8200

David C. Raphael, Jr.
Erin R. Leger
Smith Segura & Raphael, LLP
3600 Jackson Street, Suite 111
Alexandria, LA 71303
Tel: (318) 445-4480
Fax: (318) 487-1741
draphael@ssrllp.com
eleger@ssrllp.com

J. Mark Gidley
WHITE & CASE LLP
701 Thirteenth Street NW
Washington, DC 20005
Telephone: (202) 626-3600

Russell Chorush
Heim Payne & Chorush, LLP
1111 Bagby, Suite 2100
Houston, TX 77002
Tel: (713) 221-2000
Fax: (713) 221-2021
rchorush@hpcllp.com